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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

FELICIA SANDERS, individually : CASE NO. 2:16-cv-2356-RMG  
and as legal custodian for : Consolidated with  
K.M., a minor : 2:16-cv-2350; 2:16-cv-2351;  
: 2:16-cv-2352; 2:16-cv-2354;  
Plaintiff : 2:16-cv-2355; 2:16-cv-2357;  
v : 2:16-cv-2358; 2:16-cv-2359;  
: 2:16-cv-2360; 2:16-cv-2378;  
THE UNITED STATES OF AMERICA : 2:16-cv-2405; 2:16-cv-2406;  
: 2:16-cv-2407; 2:16-cv-2409;  
Defendant : and 2:16-cv-2746

\* \* \*

SUBJECT TO PROTECTIVE ORDER

Deposition of Christopher Alan Nicholas

Thursday, October 12, 2017

\* \* \*

a witness herein, taken on behalf of the plaintiffs in  
the above-entitled cause of action pursuant to  
subpoena and the Federal Rules of Civil Procedure by  
and before Diana L. Baker, Registered Professional  
Reporter and Notary Public within and for the State of  
West Virginia, at the Hilton Garden Inn, 606 Emily  
Drive, Clarksburg, West Virginia 26301, commencing at  
9:09 a.m.

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1 anywhere in the whole document "NICS"; right? He said,  
2 "Point to me anywhere in Exhibit 33 where it talks about  
3 NICS not having access to N-DEx"; correct?

4 A. Yes, sir.

5 Q. Well, why don't I direct your attention to  
6 Tab 1. Let's go to the last page. Is that your  
7 signature on this page?

8 A. Yes, sir.

9 Q. Do you recall working with counsel to answer  
10 the discovery requests which are called interrogatories?

11 A. Yes, sir.

12 Q. And did you assist in the preparation of some  
13 of the answers in this document called interrogatories?

14 A. Yes, sir.

15 Q. If you go to the response to Interrogatory  
16 Number 21. Could you read the second to last sentence  
17 on the first paragraph?

18 A. Okay. So this jogged my memory. "United  
19 States objects to this request because NICS could not  
20 access N-DEx while performing the background check for  
21 the Roof transaction."

22 Q. And is that true -- in 2015, is it true that  
23 NICS could not access N-DEX while performing firearms  
24 background checks?

1 A. That is true.

2 MR. WILSON: Objection. Leading.

3 BY MR. TERRELL:

4 Q. Is it true today, meaning October 12th, 2017,  
5 that NICS cannot access N-DEx while performing firearms  
6 background checks?

7 MR. WILSON: Objection. Leading.

8 A. NICS cannot access N-DEx today.

9 BY MR. TERRELL:

10 Q. Is it fair to say, as a manager in CJIS, you  
11 deal with the world that is, not the world that could  
12 be?

13 A. I would agree with that.

14 Q. And whether or not there's some crazy  
15 hypothetical that maybe NICS could have in some  
16 alternative universe had access to N-DEx, it is the  
17 United States, specifically, the Federal Bureau of  
18 Investigations' position that NICS could not access  
19 N-DEx in 2015; is that correct?

20 MR. WILSON: Objection. Leading.

21 A. That is correct.

22 BY MR. TERRELL:

23 Q. To access N-DEx, do you have to be an  
24 authorized user?

1 THE STATE OF :  
2 WEST VIRGINIA :  
3 : SS: C E R T I F I C A T E  
4 COUNTY OF OHIO :  
5

6 I, DIANA BAKER, Registered Professional  
7 Reporter and Notary Public within and for the State of  
8 West Virginia, duly commissioned and qualified, do  
9 hereby certify that the within-named witness,  
10 CHRISTOPHER ALAN NICHOLAS, was by me first duly sworn to  
11 testify to the truth, the whole truth and nothing but  
12 the truth in the cause aforesaid.

13 I do further certify that the within testimony  
14 was by me reduced to stenotype in the presence of the  
15 witness; afterwards reduced to Computer-Aided  
16 Transcription under my direction and control; that the  
17 foregoing is a true and correct transcription of the  
18 testimony given by said witness; and this deposition was  
19 concluded without adjournment.

20 I further certify that the reading and signing  
21 of the transcript was requested.

22 I do further certify that I am not a relative,  
23 counsel, or attorney of either party, or otherwise  
24 interested in the event of this action.

25 I, to the best of my ability, do further  
26 certify that the attached transcript meets the  
27 requirements set forth within Article 27, Chapter 47 of  
28 the West Virginia Code.

29 IN WITNESS WHEREOF, I have hereunto set my hand  
30 and affixed my seal of office in Wheeling, West  
31 Virginia, on the 30th day of October, 2017.

32 *Diana Baker*

33 DIANA BAKER, RPR  
34 Notary Public within and for the  
35 State of West Virginia

36 My Commission expires:  
37 May 24, 2021

